

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Frances Ann Myers,

Complainant,

vs.

Pacific Bell Telephone Company, dba SBC  
California,

Defendant.

(ECP)  
Case 04-10-016  
(Filed October 8, 2004)

Frances Myers, for herself, complainant.  
Sherry Winbush, for defendant.

**O P I N I O N**

Complainant alleges various problems with her voice mail. Those complaints range from receiving incomplete messages, receiving messages that were hang-ups, delays in receiving messages, and unauthorized access to complainant's voice mail. Complainant seeks improvement in her phone service. Public hearing was held December 3, 2004.

Defendant testified that complainant was a customer of Pacific Bell Information Services, dba SBC Messaging (SBCM). SBCM, a subsidiary of SBC California, is a provider of voice mail service in California. During late 2003 and early 2004, complainant repeatedly contacted SBCM alleging a series of problems with her voice mail service. In these complaints, complainant stated that

someone had gained access to and stolen her voice messages. SBCM investigated these complaints and verified that all access came from someone with the user-defined password. Her password was reset to prevent any unauthorized access. SBCM found that there were no technical problems with the service. Instead, SBCM found that the problems were caused by user error.

While SBCM has not been able to verify that there were ever any problems with complainant's service and, in fact, the complaints, if true, were beyond the control of SBCM, SBCM and SBC California have nevertheless credited the complainant's outstanding bill in the amount of \$661.20. The credit to the complainant's account created a credit balance of \$51.69.

It is clear that defendant has not caused complainant's problems with her telephone service. Defendant had tested its telephone equipment and found it to be in proper working order. The relief requested by complainant should be denied. As defendant has given complainant a bill credit, the money complainant deposited with the Commission should be returned to complainant.

### **Assignment of Proceeding**

Michael R. Peevey is the Assigned Commissioner and Robert Barnett is the assigned Administrative Law Judge in this proceeding.

#### **IT IS ORDERED** that:

1. The relief requested in the complaint is denied. The money on deposit with the Commission shall be disbursed to complainant.
2. Case 04-10-016 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.